



House of Representatives

General Assembly

File No. 143

January Session, 2003

Substitute House Bill No. 6579

House of Representatives, April 1, 2003

The Committee on Public Safety reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE INSTALLATION OF FIRE SPRINKLER SYSTEMS IN NURSING HOMES AND NEW HOME CONSTRUCTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-315 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) (1) When any building is to be built having more than four
4 stories and is to be used for human occupancy, such building shall
5 have an automatic fire extinguishing system approved by the State Fire
6 Marshal on each floor.

7 (2) When any building is (A) to be built as an educational
8 occupancy, (B) eligible for a school building project grant pursuant to
9 chapter 173, and (C) put out to bid on or after July 1, 2004, such
10 building shall have an automatic fire extinguishing system approved
11 by the State Fire Marshal on each floor. "Educational occupancy" shall
12 have the same meaning as in the Fire Safety Code.

13 (b) Each hotel or motel having six or more guest rooms and
14 providing sleeping accommodations for more than sixteen persons for
15 which a building permit for new occupancy is issued on or after
16 January 1, 1987, shall have an automatic fire extinguishing system
17 installed on each floor in accordance with regulations adopted by the
18 Commissioner of Public Safety.

19 (c) Not later than October 1, 1992, each hotel or motel having more
20 than four stories shall have an automatic fire extinguishing system
21 approved by the State Fire Marshal on each floor.

22 (d) (1) Not later than January 1, 1995, each residential building
23 having more than four stories and occupied primarily by elderly
24 persons shall have an automatic fire extinguishing system approved by
25 the State Fire Marshal on each floor. Not later than January 1, 1994, the
26 owner or manager of or agency responsible for such residential
27 building shall submit plans for the installation of such system, signed
28 and sealed by a licensed professional engineer, to the local fire marshal
29 within whose jurisdiction such building is located or to the State Fire
30 Marshal, as the case may be. For the purposes of this subsection, the
31 phrase "occupied primarily by elderly persons" means that on October
32 1, 1993, or on the date of any inspection, if later, a minimum of eighty
33 per cent of the dwelling units available for human occupancy in a
34 residential building have at least one resident who has attained the age
35 of sixty-five years.

36 (2) Each residential building having more than twelve living units
37 and occupied primarily by elderly persons, as defined in subdivision
38 (1) of this subsection, or designed to be so occupied, for which a
39 building permit for new occupancy is issued or which is substantially
40 renovated on or after January 1, 1997, shall have an automatic fire
41 extinguishing system approved by the State Fire Marshal on each floor.

42 (e) No building inspector shall grant a building permit unless a fire
43 extinguishing system as required by subsection (a) or (b) of this section
44 is included in the final, approved building plans and no fire marshal or
45 building inspector shall permit occupancy of such a building unless

46 such fire extinguishing system is installed and operable. The State Fire
47 Marshal may require fire extinguishing systems approved by him to be
48 installed in other occupancies where they are required in the interest of
49 safety because of special occupancy hazards.

50 (f) Not later than July 1, 2005, each nursing home, as defined in
51 section 19a-490, and each nursing home facility, as defined in section
52 19a-521, shall have an automatic fire extinguishing system approved
53 by the State Fire Marshal on each floor. Not later than July 1, 2004, the
54 owner or authorized agent of the nursing home or nursing home
55 facility shall submit plans for the installation of such system, signed
56 and sealed by a licensed professional engineer, to the local fire marshal
57 and building official within whose jurisdiction such building is located
58 or to the State Fire Marshal, as the case may be, and shall apply for a
59 building permit for such system.

60 (g) Any person who violates any provision of this section shall be
61 fined not less than one hundred dollars nor more than one thousand
62 dollars or imprisoned not more than six months, or both, for each day
63 such violation continues.

64 Sec. 2. Section 20-417d of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective October 1, 2003*):

66 (a) A new home construction contractor shall (1) prior to entering
67 into a contract with a consumer for new home construction, provide to
68 the consumer a copy of the new home construction contractor's
69 certificate of registration and a written notice that (A) discloses that the
70 certificate of registration does not represent in any manner that such
71 contractor's registration constitutes an endorsement of the quality of
72 such person's work or of such contractor's competency by the
73 commissioner, (B) advises the consumer to contact the Department of
74 Consumer Protection to determine (i) if such contractor is registered in
75 this state as a new home construction contractor, (ii) if any complaints
76 have been filed against such contractor, and (iii) the disposition of any
77 such complaints, and (C) advises the consumer to request from such
78 contractor a list of consumers of the last twelve new homes

79 constructed to completion by the contractor during the previous
80 twenty-four months, or if the contractor has not constructed at least
81 twelve new homes to completion during the previous twenty-four
82 months, then a list of all consumers for whom the contractor has
83 constructed a new home to completion during the previous twenty-
84 four months, and to contact several individuals on the list to discuss
85 the quality of such contractor's new home construction work, (2) state
86 in any advertisement, including any advertisement in a telephone
87 directory, the fact that such contractor is registered, and (3) include
88 such contractor's registration number in any such advertisement. The
89 new home contractor, or his agent, shall also discuss with the
90 consumer the installation of an automatic fire extinguishing system in
91 a new home.

92 (b) A new home construction contractor shall include in every
93 contract with a consumer a provision advising the consumer that the
94 consumer may be contacted by such contractor's prospective
95 consumers concerning the quality and timeliness of such contractor's
96 new home construction work, unless the consumer advises such
97 contractor, in writing, at the time the contract is executed, that the
98 consumer prefers not to be contacted.

99 (c) The written notice required in subsection (a) of this section shall
100 be in capital letters not less than ten-point bold face type, and may
101 include a statement in substantially the following form:

102 "NEW HOME CONSTRUCTION CONTRACTOR

103 REGISTRATION NOTICE

104 A CERTIFICATE OF REGISTRATION AS A NEW HOME
105 CONSTRUCTION CONTRACTOR DOES NOT REPRESENT IN ANY
106 MANNER THAT THE CONNECTICUT DEPARTMENT OF
107 CONSUMER PROTECTION ENDORSES THE QUALITY OF THE
108 CONTRACTOR'S NEW HOME CONSTRUCTION WORK OR THE
109 CONTRACTOR'S COMPETENCY TO ENGAGE IN NEW HOME
110 CONSTRUCTION.

111 ACCORDINGLY, YOU ARE ADVISED TO:

112 (1) REQUEST FROM THE CONTRACTOR A LIST OF
113 CONSUMERS OF THE LAST TWELVE NEW HOMES
114 CONSTRUCTED TO COMPLETION BY THE CONTRACTOR
115 DURING THE PREVIOUS TWENTY-FOUR MONTHS, OR IF THE
116 CONTRACTOR HAS NOT CONSTRUCTED AT LEAST TWELVE
117 NEW HOMES TO COMPLETION DURING THE PREVIOUS
118 TWENTY-FOUR MONTHS, THEN A LIST OF ALL CONSUMERS
119 FOR WHOM THE CONTRACTOR HAS CONSTRUCTED A NEW
120 HOME TO COMPLETION DURING THE PREVIOUS TWENTY-
121 FOUR MONTHS,

122 (2) CONTACT SEVERAL INDIVIDUALS ON THE LIST TO
123 DISCUSS THE QUALITY AND THE TIMELINESS OF THE
124 CONTRACTOR'S NEW HOME CONSTRUCTION WORK, AND

125 (3) CONTACT THE DEPARTMENT OF CONSUMER
126 PROTECTION TO VERIFY THE REGISTRATION INFORMATION
127 PRESENTED BY THE CONTRACTOR AND TO ASCERTAIN THE
128 CONTRACTOR'S COMPLAINT HISTORY WITH THE
129 DEPARTMENT.

130 IN ADDITION, YOU ARE ADVISED TO DISCUSS WITH THE
131 NEW HOME CONSTRUCTION CONTRACTOR:

132 (1) WHETHER THE CONTRACTOR HAS A CUSTOMER SERVICE
133 POLICY AND IF SO, THE IDENTITY OF THE PERSON
134 DESIGNATED TO ASSIST YOU IN RESOLVING ANY COMPLAINT
135 ABOUT THE CONTRACTOR'S WORK, [AND]

136 (2) WHETHER THE CONTRACTOR WILL HOLD YOU
137 HARMLESS FOR WORK PERFORMED BY ANY SUBCONTRACTOR
138 HIRED BY THE CONTRACTOR, AND

139 (3) THE INSTALLATION OF AN AUTOMATIC FIRE
140 EXTINGUISHING SYSTEM.

141 THIS NOTICE DOES NOT CONTAIN AN EXHAUSTIVE LIST OF
142 THE INQUIRIES YOU SHOULD MAKE BEFORE CONTRACTING
143 WITH A NEW HOME CONSTRUCTION CONTRACTOR.
144 ADDITIONAL INFORMATION TO ASSIST YOU IN YOUR
145 SELECTION OF A NEW HOME CONSTRUCTION CONTRACTOR
146 MAY BE OBTAINED BY CONTACTING THE CONNECTICUT
147 DEPARTMENT OF CONSUMER PROTECTION."

148 (d) No person shall: (1) Present, or attempt to present as such
149 person's own, the certificate of another; (2) knowingly give false
150 evidence of a material nature to the commissioner for the purpose of
151 procuring a certificate; (3) represent such person falsely as, or
152 impersonate, a registered new home construction contractor; (4) use or
153 attempt to use a certificate which has expired or which has been
154 suspended or revoked; (5) engage in the business of a new home
155 construction contractor or hold himself or herself out as a new home
156 construction contractor without having a current certificate of
157 registration under sections 20-417a to 20-417i, inclusive, and subsection
158 (b) of section 20-421; (6) represent in any manner that such person's
159 registration constitutes an endorsement of the quality of such person's
160 work or of such person's competency by the commissioner; or (7) fail
161 to refund a deposit paid to a new home construction contractor not
162 later than ten days after a written request mailed or delivered to the
163 new home construction contractor's last known address, if (A) the
164 consumer has complied with the terms of the written contract up to the
165 time of the request, (B) no substantial portion of the contracted work
166 has been performed at the time of the request, (C) more than thirty
167 days has elapsed since the starting date specified in the written
168 contract or more than thirty days has elapsed since the date of the
169 contract if such contract does not specify a starting date, and (D) the
170 new home construction contractor has failed to provide a reasonable
171 explanation to the consumer concerning such contractor's failure to
172 perform a substantial portion of the contracted work. For purposes of
173 this subdivision, "substantial portion of the contracted work" includes,
174 but is not limited to, work performed by the new home construction
175 contractor to (i) secure permits and approvals, (ii) redraft plans or

176 obtain engineer, architect, surveyor or other approvals for changes
177 requested by the consumer or made necessary by site conditions
178 discovered after the contract is executed, (iii) schedule site work or
179 arrange for other contractors to perform services related to the
180 construction of the consumer's new home, and (iv) do any other work
181 referred to in the contract as a "substantial portion of the contracted
182 work".

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

PS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Public Safety, Dept.	GF - None	None	None
Social Services, Dept.	GF - Cost	None	Significant
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill requires all nursing home and nursing home facilities in the state to have automatic fire sprinklers by July 1, 2005. This is expected to result in a significant cost to the Department of Social Services through Medicaid reimbursements for nursing home services. Of the 254 nursing facilities in the state, 31 currently have only partial sprinkler systems and 17 have no sprinkler systems. The remainder of these facilities have sufficient systems.

The cost of the installation of such systems will vary greatly based on the degree to which the partial buildings need to be upgraded, the complexity of the individual jobs and the market conditions at the time of upgrade. Current construction estimates for sprinkler systems range between \$2 and \$3 per square foot for installation, plus additional alarm and detection system upgrades. It is estimated that fire sprinkler installation at the 17 facilities with no current system will cost \$200,000 each, while installation at the 31 facilities with partial system will cost \$125,000 each (these estimates assume a total average square footage for each facility of 45,000). Therefore, the total estimated cost for these installations would be \$7,275,000.

A portion of these costs (equal to each home's proportion of Medicaid patients) would be eligible for reimbursement as capital improvements under the Medicaid program. Assuming that the homes amortized these costs for 20 years, at a 7% rate of return, the net annual increase to the Medicaid program would be approximately \$550,000, when all facilities are completely upgraded. Given the design and construction time necessary for these upgrades, it is unlikely that Medicaid rates would be adjusted to reflect these increased costs before FY05. These increased Medicaid costs are eligible for 50% reimbursement from the Federal government.

While passage of the bill would not result in any fiscal impact to state or local fire marshals and building officials, there would be a potential revenue gain as a result of fines imposed on violators of certain sprinkler requirements. The number of potential violations is not known at this time.

OLR Bill Analysis

sHB 6579

AN ACT CONCERNING THE INSTALLATION OF FIRE SPRINKLER SYSTEMS IN NURSING HOMES AND NEW HOME CONSTRUCTION**SUMMARY:**

By July 1, 2005, this bill requires all nursing homes and nursing home facilities, including residential care facilities, to have automatic fire sprinklers approved by the state fire marshal on every floor. By July 1, 2004, it requires owners or authorized agents of such homes and facilities to (1) submit installation plans for the sprinklers, signed and sealed by a licensed professional engineer, to the state fire marshal or the local fire marshal and building official in whose jurisdiction the building is located and (2) apply for building permits for the systems.

The bill imposes a fine of \$100 to \$1,000 imprisonment for up to six months, or both, on violators of these requirements and existing law's requirements for sprinklers in specified buildings. The penalty applies each day a violation continues.

The bill also requires new home contractors or their agents to discuss with consumers the installation of automatic fire sprinklers in new homes. They must inform new homeowners about the availability of this information in the written notice that they are currently required to provide to new home buyers before entering a contract.

EFFECTIVE DATE: July 1, 2003, except for the new home provision, which is effective October 1, 2003.

BACKGROUND***Nursing Homes and Nursing Home Facilities***

The law defines a nursing home as any establishment that provides (1) food and shelter to people unrelated to the proprietor and (2) services that meet a need beyond the basic provisions of food, shelter, and laundry.

The law defines a nursing home facility as a nursing home or residential care home, or any rest home that, in addition to personal care required in a residential care home, provides nursing supervision under a medical director 24 hours per day or (2) any chronic and convalescent nursing home that provides skilled nursing care under medical supervision and direction to carry out nonsurgical treatment and dietary procedures for chronic diseases, convalescent stages, acute diseases, or injuries.

Even though residential care homes are included in the definition of nursing home facilities, they are not licensed as nursing homes. They provide some limited assistance with activities of daily living but not nursing care.

Places Requiring Sprinklers Under Law

The law requires approved automatic fire sprinklers on each floor of:

1. new buildings with more than four stories built for human occupancy;
2. all residential buildings with more than four stories and occupied primarily by the elderly;
3. any residential building occupied primarily by, or designed primarily for, elderly occupants, if the building has more than 12 living units and is issued a building permit for new occupancy or is substantially renovated on or after January 1, 1997;
4. any hotel or motel with more than five guest rooms that provides sleeping accommodations for more than 16 persons and is issued a building permit for new occupancy on or after January 1, 1987;
5. hotels or motels with more than four stories; and
6. new educational buildings that are eligible for a school building project grant and put out to bid after July 1, 2004.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute

Yea 22 Nay 0